

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:95-cr-114-06

v.

HONORABLE PAUL L. MALONEY

RAFAEL MIRANDA-ALVAREZ,

Defendant.

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**MEMORANDUM OPINION AND ORDER**

Defendant Rafael Miranda-Alvarez has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to drug quantity.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to drug quantity, and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10(c).

However, Amendment 782 provides Defendant no relief. Defendant's original guideline range was 292 to 365 months and he was sentenced to 292 months imprisonment. In his response to the Sentence Modification Report, Defendant concedes that under Amendment 782 his guideline range remains the same. As the resulting guideline range has not been lowered by

Amendment 782, the amendment is of no assistance to the defendant. Accordingly,

**IT IS HEREBY ORDERED** that Defendant Rafael Miranda-Alvarez's motion modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (ECF No. 302) is **DENIED**.

Date: June 25, 2015

/s/ Paul L. Maloney

Paul L. Maloney  
Chief United States District Judge